

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Osahenrumwen Ojo

v.

Civil No. 11-cv-210-JL

Eldin Medic, et al.

O R D E R

After due consideration of the objection filed, I herewith approve the Report and Recommendation of Magistrate Judge Landya B. McCafferty dated December 17, 2012.

The court has carefully reviewed the record and the Report and Recommendation, and makes the following, somewhat tangential, observations. First, the court is struggling to understand why the grievance policy in question is summarized in an affidavit, as opposed to provided with the record, or quoted verbatim. Second, while the defendants have demonstrated that the plaintiff filed several inmate request slips regarding various issues in the period following the incident in questions, they have not shown (or even suggested) that the plaintiff filed any "Step 3" grievance documents, thus establishing his ability to do so with respect to the incident in question.

"'[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'"

School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st

Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

SO ORDERED.



Joseph N. Laplante
Chief Judge

Date: February 14, 2013

cc: Osahenrumwen Ojo, pro se
John Curran, Esq.